

Notice of Allowability

Application No.

09/450,262

Applicant(s)

HECKERMAN ET AL.

Examiner

Art Unit

DANIEL LASTRA

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/30/04.
2. ☒ The allowed claim(s) is/are 1-4,6-14 and 16-26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

1. The following is an examiner's statement of reason for allowance:

Claim 1 recites "A computer-implemented method comprising:

selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster, each of the plurality of ads having a respective selection probability for being displayed;

displaying the ad selected on the web page;

detecting activation of the ad displayed; and

transmitting information to an entity associated with the ad upon detecting activation of the ad displayed, the transmitted information comprising information regarding the current cluster"

The Board of Appeal decision filed 11/30/04 found that the Examiner's prior art, McCollom (US 6,343,274) disclosed the limitations "selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster"; displaying the ad selected on the web page; transmitting information to an entity associated with the ad; the transmitted information comprising information regarding the current cluster". The Board found that a "category" in which advertisements are placed in McCollom (e.g. col 2, line 49; col. 3, lines 14-27) broadly corresponds to the claimed "clusters". However, the Board found that McCollom did not teach each of the plurality of ads having a respective selection probability for being displayed (see page 10 of Board decision). The Board also found that McCollom did not teach transmitting information...upon detecting activation of the ad displayed, when the Board mentioned that "McCollom saves the

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information until there is a connection to the commerce server and does not transmit information upon detecting activation of the ad displayed" (see Board decision page 7). Because the Board found that "clusters" are categories (see Board decision page 10), the Examiner found that the prior art Angles (US 5,933,811) teaches the limitation selecting an ad to be displayed on a web page as one of a plurality of ads within a current cluster (i.e. categories) (see Angles column 15, lines 39-42; column 20, lines 5-63; Angles categorizes the consumer into a particular demographic group or clusters to determine the appropriate type (i.e., category) of advertisements to target to said consumers; see the definition of cluster in the Board of Appeal arguments filed 11/30/04 pages 2 and 8); displaying the ad selected on the web page (see Angles column 2, lines 45-67); detecting activation of the ad displayed (see Angles column 20, lines 22-37); and, transmitting information to an entity associated with the ad upon detecting activation of the ad displayed (see Angles column 20, lines 20-37), the transmitted information comprising information regarding the current cluster (i.e., type of advertisements viewed; see Angles column 16, lines 1-20). However, Angles fails to teach each of the plurality of ads having a selection probability for being displayed. However, the Examiner found that the prior art Sawyer (US 6,084,628) teaches a system that randomly selects types (i.e., categories or clusters) of advertisements to be displayed to users based upon said users' preference (see Sawyer column 4, lines 51-65). However, because the Board of Appeal did not find any suggestion in the prior art McCollom (US 6,343,274) that would make the missing limitations in claim 1 obvious, claims 1-4, 6-14 and 16-26 are allowed.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Sawyer (US 6,084,628) teaches a system that randomly selects types (i.e., categories or clusters) of advertisements to be displayed to users based upon said users' preference.
 - Angles (US 5,933,811) teaches a system for delivering customized advertisements within interactive communication system.
 - Allan teaches a secure Internet vault.
 - Hardgrove teaches an article that teaches that the Internet may help retailers improve customer loyalty.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

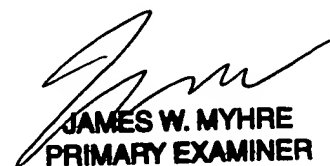
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel Lastra

September 24, 2005


JAMES W. MYHRE
PRIMARY EXAMINER